
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION

Securities and Exchange Commission,

Plaintiff,

v.

**William E. Mapp, III, Warren K. Paxton,
Jr., Caleb J. White, and Servergy, Inc.,**

Defendants.

CIVIL ACTION NO. 4:16-CV-00246

STIPULATION REGARDING SUBPOENAS

Defendant Warren K. Paxton, Jr. (Paxton) and nonparties Byron and Karen Cook, and Joel Hochberg (Witnesses) enter into the following Stipulation Regarding Subpoenas:

Whereas, Paxton served Subpoenas on Witnesses commanding the production of responsive documents on August 22, 2016;

Whereas, Witnesses timely served objections and claims of privilege and protection pursuant to Rule 45 of the Federal Rules of Civil Procedure (the Rules); and

Whereas counsel for Paxton and counsel for Witnesses have conferred in an attempt to avoid further dispute and litigation regarding the Subpoenas;

Now, therefore, Paxton and Witnesses, by and through their undersigned counsel, stipulate and agree as follows:

1. On or before August 22, 2016, Witnesses will produce non-privileged documents responsive to the Subpoena requests to the extent Witnesses did not object to the requests. Witnesses may produce responsive documents to Paxton's local counsel, Polsinelli PC, 2950 N. Harwood Street, Suite 2100, Dallas, Texas 75201.

2. To the extent Paxton seeks additional documents responsive to the Subpoenas, counsel for Paxton and counsel for Witnesses will confer and attempt in good faith to resolve any disputes about the extent of Witnesses' production, Witnesses' objections, and Witnesses' claims of privilege and protection (including the scope and detail of any privilege log pursuant to Rule

45(e)(2)). If counsel cannot reach an agreement, counsel for Paxton will give counsel for Witnesses at least seven days' written notice before filing a motion to compel pursuant to Rule 45, so that Witnesses may, in their discretion, file a motion for protective order pursuant to Rule 26(c) or a motion to quash or modify the Subpoenas pursuant to Rule 45(d).

3. The deadlines for Paxton to move to compel pursuant to Rule 45(d) and for Witnesses to move for a protective order pursuant to Rule 26(c) and to move to quash or modify the Subpoenas pursuant to Rule 45(d) are therefore extended by stipulation and agreement until seven days from the date counsel for Paxton gives written notice to counsel for Witnesses of failure to reach agreement pursuant to the preceding paragraph. Pursuant to Rule 29, the parties to this Stipulation understand and agree that this Stipulation will not interfere with the time set for completing discovery, for hearing a motion, or for trial, and counsel for Paxton will promptly notify counsel for Witnesses of any change in this condition so that Witnesses may seek a Court order as necessary.

4. The parties to this Stipulation intend that this Stipulation preserve the full scope of their respective rights with regard to the Subpoenas, specifically including Paxton's right to seek production of all documents and electronically stored information responsive to the Subpoenas, and specifically including Witnesses' objections and claims of privilege and protection (including objections to the scope and detail of any privilege log required by Rule 45(e)) that Witnesses have raised or could raise by motion for protective order pursuant to Rule 26(c) or motion to quash or modify pursuant to Rule 45(b), and the parties to this Stipulation agree that none of them have waived any such rights, objections, or claims of privilege and protection, and may later assert such rights, objections, and claims of privilege and protection without prejudice pursuant to the terms in this Stipulation.

AGREED:

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/s/ Matthew T. Martens (with permission)

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that this document was electronically filed with the Clerk of the Court through the CM/ECF system, which will send notices of electronic filing to all counsel of record on this date, August 17, 2016.

/s/ Alex More